

TCEQ DOCKET NO. 2015-1268-UIC

APPLICATION BY URI, INC., FOR	§	BEFORE THE
RENUAL AND MAJOR AMENDMENT	§	TEXAS COMMISSION
OF CLAS III INJUECTION WELL AREA	§	ON
PERIMT No. UR02827	§	ENVIRONMENTAL QUALITY

KLEBERG COUNTY’S REPLY TO RESPONSES TO HEARING REQUESTS

There is apparently a disagreement between (a) Kleberg County and (b) the Executive Director regarding the issue to be referred to the State Office of Administrative Hearings for trial. It appears that the ED and the Applicant contend only the latter of two comments offered by the only commenter, Mr. Teo Saenz, may be reviewed to establish the issue or issues for hearing. Mr. Saenz’ first comment was more broad than his second. There is no statutory or regulatory basis for disregarding Mr. Saenz’s first comment, and to do so would belie the agency’s representation in the notice that, presumably, prompted Mr. Saenz’ first comment.

Mr. Teo Saenz’ first comment was made May 6, 2013. It read (emphasis added):

I, ELEUTERIO SAENZ, INDIVIDUALLY, request a contested case hearing on the application by URI, Inc., "TO OBTAIN RENEWAL AND MAJOR AMENDMENT OF A CLASS III INJECTION WELL AREA PERMIT" IN KLEBERG COUNTY, TEXAS, UR02827.

Location and Distance of my property: I own 50 % of lots 2,3,4,5,6, of the Saenz Subdivision and 50 % of the minerals of lot 1,2,3,4,5,6 of Saenz Subdivision also known as Lot 1 Block 42 Kleberg Town and Improvement Company which is directly North of PAA 3.

How I would be affected: *URI is unable to prevent the migration of mining fluids beyond the mining area and as an adjoining landowner, I have [been] and will continue to be affected by URI's Uranium Mining due to water contamination.* The property value of my interest has

decreased and my right to use the groundwater curtailed by URI's *in situ* mining operations.

Contact number: 361-592-4156; 361-455-5341.

He, presumably, made this comment in response to the TCEQ's March 22, 2013, "Revised Notice of Receipt of Applications and Intent to Obtain Renewal and Major Amendment of a Class III Injection Well Area Permit," which notice was published in the local newspaper July 2, 2013. That notice specifically told the public it could comment on the applications that are at issue. The notice said that a deadline for comments would be established later. Finally, it told the public, "After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments."

Presumably in response to the notice of the ED's preliminary decision, Mr. Saenz submitted March 19, 2015, a second comment:

URI, Inc., has contaminated Water Well 24 (WW-24) located in the Garcia Hill area in Kleberg County in an area Northwest of PAA 3 in the Kingsville Dome. A complaint has been filed with TCEQ and an investigation is ongoing. The uranium content In the Water from WW-24 rose to over 1,000 mcg/l.

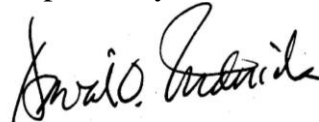
This second comment, which he characterized as an objection, did not withdraw or alter his earlier comment.

Nonetheless, though the ED and the Applicant present slightly different formulations of the issue to be tried at SOAH, both would limit the inquiry to one about the impact of URI's operations on Water Well 24. The impact of those operations on

Water Well 24 is clearly one of Mr. Saenz' issues, but it also, as witnessed by his initial comment, is not his only issue.

The issue referred to SOAH should read along the lines of: "Will URI's *in situ* mining operations, if conducted in accord with URI's application, prevent the migration of mining fluids beyond the permit boundary?"

Respectively Submitted,



Frederick, Perales, Allmon & Rockwell,
PC

By, David Frederick
St. Bar No. 07412300

707 Rio Grande, Ste. 200
Austin, Texas 78701
(512) 469-6000
(512) 482-9346 (facsimile)

CERTIFICATE OF SERVICE

By my signature, below, I certify that on the 28th day of September, a true and correct copy of **Kleberg County's Reply to Responses to Hearing Requests** was served upon the following via electronic service, facsimile transmission, and/or deposit in the U.S. mail:



Frederick, Perales, Allmon & Rockwell,
PC

By, David Frederick
St. Bar No. 07412300

707 Rio Grande, Ste. 200
Austin, Texas 78701

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FOR TEXAS COMMISSION
OF ENVIRONMENTAL QUALITY

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FOR THE CHIEF CLERK

Bridget C. Bohac

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REQUESTER(S):
See attached list.

CANDELARIO Q BENAVENTE 383 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851	HERACLIO BENAVENTE 381 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851
MARIA DEL ROSARIO BENAVENTE 383 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851	SABINA BENAVENTE 381 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851
MARIE BIPPERT 679 E COUNTY ROAD 2160 KINGSVILLE TX 78363-2625	MARK M WALSH 3931 BOYD ST KINGSVILLE TX 78363-7420
BETO GARCIA 418 GARCIA HILL RD KINGSVILLE TX 78363-8902	BLANCA GARCIA 418 GARCIA HILL RD KINGSVILLE TX 78363-8902
FERMAN GARZA 424 NFM 2619 KINGSVILLE TX 78363-8933	JEANEITE CUMBERLAND HIX 2213 BRUN ST HOUSTON TX 77019-6507
NERIO MARTINEZ 418 GARCIA HILL RD KINGSVILLE TX 78363-8902	OLGA MARTINEZ 418 GARCIA HILL RD KINGSVILLE TX 78363-8902
DIANA B MEDINA 383 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851	WILL BIPPERT 679 E COUNTY ROAD 2160 KINGSVILLE TX 78363-2625
BRUCE C CUMBERLAND 11812 LINDEN GROVE DR FORT WAYNE IN 46845-1961	DALE CUMBERLAND 1421 SLEEPY HOLLOW LN NEW BRAUNFELS TX 78130-3341
ELIZABETH CUMBERLAND 761 MARTINDALE FALLS RD MARTINDALE TX 78655-2530	ELIZABETH CUMBERLAND PO BOX 537 MARTINDALE TX 78655-0537
RICHARD SCOIT MEDINA, SR 383 N COUNTY ROAD 1070 KINGSVILLE TX 78363-8851	CARLOS ORTEGON 418 GARCIA HILL RD KINGSVILLE TX 78363-8902
DANIEL ORTEGON 418 GARCIA HILL RD KINGSVILLE TX 78363-8902	NORMA GARZA ORTEGON 418 GARCIA HILL RD KINGSVILLE TX 78363-8902
ALFONSO R RAMOS 2425 E FM 1717 KINGSVILLE TX 78363-8835	ELEUTERIO L SAENZ 148 E COUNTY ROAD 2170 KINGSVILLE TX 78363-2601
ROBERT DE LA ROSA 706 E FM 1118 KINGSVILLE TX 78363-2633	ROLANDO DE LA ROSA 706 E FM 1118 KINGSVILLE TX 78363-2633
ARMANDO GARCIA 418 GARCIA HILL RD KINGSVILLE TX 78363-8902	LEONARD RAMOS, JR. 580 N. COUNTY ROAD 1090 KINGSVILLE, TX 78363